SINGLE BENCH

(9) (1)

CF 2007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

W.P. NO. 4056 /2006

PETITIONERS

1. Agroha Grihnirman Sahakari Samiti Maryadit, Through: Its President Shri Santosh Agrawal (the Society is presently under Suspension), Agrasen Nagar, Ring Road Chowk, Mahadev Ghat, Raipur (C.G.)

2. Shri Santosh Agrawal, S/o – Late Shri R.D. Agrawal, Aged about – 42 years, R/o – 33 Doongaji Colony, Raipur (C.G.)

P.R. No. 4124/06
Presented by Shri Pravesh Bhatt
dated 31/7/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary, Cooperative Department, D.K.S. Bhawan, Mantralaya, Raipur, District – Raipur, (C.G.).

2. The Registrar, Cooperative Societies, Telibandha, Ring Road, Sethi Villa, Raipur, (C.G.).

3. Dy. Registrar, Cooperative Societies, Near Zila Panchayat Office, G.E. Road, Raipur, (C.G.).

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31/7/06
CLERK to A. G. BILASPUR

OATH COMMISSIONER
S.R. Kaushik
25/7/06
RAIPUR TAHSIL AREA

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS, ORDERS, DIRECTIONS OR LIKE ETC.

The petitioners most respectfully state as under:-

(109)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 4056/2006 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	7-11-2006 Shri Gautam Bhaduri, Advocate for the petitioner. Shri Arun Sao, Govt. Advocate for the State. Heard on admission. This petition under Article 226/227 of the Constitution of India is directed against the order of Annexure P-1 passed by Dy. Registrar, Cooperative Societies, Raipur whereby the petitioner's society has been superseded pending enquiry under Section 53(2) of the C.G. Cooperative Societies Act, 1960 in the purported exercise of power under Section 53(10) of the C.G. Cooperative Societies Act, 1960. Case of the petitioner is that petitioner No. 1 is a registered cooperative society whereas petitioner No. 2 was the President of the said society. The allegation in the petition is that elder brother of petitioner No. 2 namely Bal Krishan Agrawal is editor of a daily newspaper published from Raipur and he has probably protested against the working of the party in power and therefore, just to harass the brother of the petitioner No. 2, an enquiry was initiated against the society at some tainted charges and a show cause notice of Annexure P-3 was issued calling upon the petitioners to submit reply by 25th July, 2006, however even before the expiry of the said period, the order impugned was passed on 24th July, 2006 without affording the petitioner an opportunity to submit detailed reply to the charges, solely on the basis of affidavit filed by him on 22nd July 2006. From the above facts, it is contended that bias against the petitioners is writ large. I have heard the learned counsel for the petitioner. I have perused the documents annexed with the petition. The enquiry under Section 53(2) of the C.G. Cooperative Societies Act, against the petitioner is still pending on the charges mentioned in Ex. P-4. The petitioners are yet to submit reply to the charges levelled against them and in the	

XI-HC-78

(10)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W. P. NO. 4056/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	meanwhile, the Dy. Registrar exercising power under Section 53(10) of the C.G. Cooperative Societies Act has passed the impugned order and superseded the petitioner society during the pendency of the enquiry. It is not in dispute that the impugned order is appellable under Section 77 of the C.G. Cooperative Societies Act and the petitioners have not availed the alternative remedy of appeal. Even other wise, the society has been superseded in exercise of power conferred under the Cooperative Societies Act and the allegations of malafide are general and vague in nature. Thus considering that the impugned order has been passed by a statutory authority while exercising power under statute and further considering that the order is an appellable order under Section 77 of the C.G. Cooperative Societies Act, this petition is dismissed as not maintainable. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.

16.11.06 20.11.06